

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

KATHERINE D. HECTOR,

Plaintiff,

v.

WESTBURY HEALTH AND
REHABILITATION CENTER,

Defendant.

CIVIL ACTION NO.
1:15-CV-02486-TWT-LTW

MAGISTRATE JUDGE’S FINAL REPORT AND RECOMMENDATION

Currently before the undersigned is this Court’s July 29, 2016 Order directing Plaintiff Katherine D. Hector’s (“Plaintiff”) to complete the USM 285 form, summons, and the initial disclosures form and return them to the Clerk of Court on or before August 30, 2016. (Doc. 8). On December 9, 2015, undersigned directed Plaintiff to complete the USM 285 form, summons, and the initial disclosures form and return them to the Clerk of Court within thirty (30) days of the date of the Court’s Order. (Doc. 4, pp. 3-4). Plaintiff was warned at that time that failure to comply in a timely manner could result in the dismissal of her lawsuit. (*Id.*, p. 5). Plaintiff did not complete and return the forms as of the January 8, 2016 deadline. In its July Order, the Court again directed the Plaintiff to do by August 30, 2016. (Doc. 8). At that time, Plaintiff was warned that **“failure to comply with this Court’s Order will result in a recommendation that Plaintiff’s lawsuit be dismissed.”** (*Id.* (Emphasis in original)).

Despite the repeated direction and warnings, to date, Plaintiff has not returned the completed USM 285 form, summons, or initial disclosures form, and still has not undertaken any substantial proceedings of record.

Local Rule 41.3(A) provides that the Court may dismiss a case for want of prosecution if a plaintiff refuses to obey a lawful Order of the Court or has not undertaken any substantial proceedings of record for six (6) months. LR 41.3(A), NDGa. Because Plaintiff has refused to obey a lawful Order of the Court, has not undertaken any substantial proceedings of record in more than six (6) months, and otherwise seems uninterested in pursuing her lawsuit, this Court **RECOMMENDS** that Plaintiff's case be dismissed for want of prosecution.

The Clerk of Court is **DIRECTED** to send a copy of this Report and Recommendation to Plaintiff via regular mail and certified mail delivery. As this is a final Report and Recommendation and there are no other matters pending before this Court, the Clerk is directed to terminate the reference to the undersigned.

IT IS SO REPORTED AND RECOMMENDED, this 12th day of December, 2016.

/s/LINDA T. WALKER
LINDA T. WALKER
UNITED STATES MAGISTRATE JUDGE